

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RICKY M. BURAS	§	PLAINTIFF
	§	
v.	§	CIVIL ACTION NO. 1:07CV617-LG-JMR
	§	
EDMON PENTON, BRANDON PENTON, and PEARL RIVER COUNTY SHERIFF'S DEPARTMENT	§ § §	DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATIONS
DENYING PERMISSION TO PROCEED *IN FORMA PAUPERIS***

This cause comes before the Court on the Report and Recommendations [3] of Chief United States Magistrate Judge John M. Roper entered in this cause on August 9, 2007, denying Plaintiff Ricky M. Buras's Motion for Leave to Proceed *In Forma Pauperis* [2]. Buras filed an objection on August 20, 2007.

In his objection, Buras stated he had no funds, was a poor man, and in need of back surgery. He pointed out that he had a Social Security case pending¹ with the Court. This case is civil action no. 1:06cv1136-LG-JMR, styled *Buras v. Office of Disability Determination Services*. The Court notes that Buras was allowed to proceed *in forma pauperis* in that earlier filed action. In the affidavit of poverty in his Social Security case, he listed his income as three hundred dollars (\$300) a month, with monthly expenditures of nine hundred fifty-three dollars (\$953). In this case, he now lists his income as six hundred twenty dollars (\$620) a month, with expenditures of nine hundred twenty-five dollars (\$925).

Leave to proceed in forma pauperis without the payment of fees, costs, or the giving of security, is addressed to the sound discretion of the District Court. *Evensky v. Wright*, 45 F.R.D.

¹This case has since been dismissed as time-barred and for failure to exhaust administrative remedies by Order of this Court, dated February 19, 2008.

506, 507 (N.D. Miss. 1968). Leave to proceed in forma pauperis is a privilege not a right. *Id.* The privilege of proceeding in forma pauperis in civil actions for damages should be allowed only in exceptional circumstances. *Id.* The Court finds Buras has failed to point to any exceptional circumstances in the instant action that would warrant granting of pauper's status.

After referral of hearing by this Court, the Court, having fully reviewed the same as well as Plaintiff's objections and the record in this matter, and being duly advised in the premises, finds that said Report and Recommendations should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendations [3] of Chief United States Magistrate Judge John M. Roper entered on August 9, 2007, be, and is hereby adopted as the opinion of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's [2] Motion for Leave to Proceed *In Forma Pauperis* is **DENIED**.

SO ORDERED AND ADJUDGED this the 20th day of February, 2008.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE